

**REMARKS****I. General**

Claims 1-20 were pending in the present application, and all of the pending claims are rejected in the current Office Action (mailed September 24, 2004). Applicant notes with appreciation the indication of claims 15-20 as reciting allowable subject matter, as well as the indication that claims 7 and 14 would be allowable if rewritten in independent form. The outstanding issues raised in the current Office Action are:

- Claims 7 and 9 are objected to because of an informality;
- Claim 10 is rejected under 35 U.S.C. § 112, second paragraph as the recited “said web server cluster” lacks antecedent basis;
- Claims 1-6, 8-10, 12, and 13 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,330,606 issued to Logue et al. (hereinafter “*Logue*”); and
- Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Logue* in view of U.S. Patent No. 5,774,660 issued to Brendel et al. (hereinafter “*Brendel*”).

In response, Applicant respectfully traverses the outstanding claim rejections, and requests reconsideration and withdrawal thereof in light of the amendments and remarks presented herein.

**II. Amendments**

Claims 1, 4, 5, 6, 7, 8, 10, 14, and 15 are amended herein, claim 3 is canceled without prejudice, and new claims 21-25 are presented. No new matter is added by these claim amendments and newly presented claims.

Claim 1 is amended to recite that the server cluster comprises “a set of base files, wherein said base files are a set of frequently accessed files fitting into a cluster memory of said server cluster, and wherein the base files are logically partitioned into a set of core files having a core size, a set of partitioned files having a partitioned size, and a set of on disk files, and wherein a total of the partitioned size added to the product of the number of said plurality of nodes multiplied by the core size is no greater than the cluster memory”, and to

recite that each node of the plurality of nodes comprises “at least said set of core files stored locally thereto”.

In view of the above amendment to claim 1, claim 3 is canceled without prejudice, and claim 4 is amended to depend from claim 1 rather than from the now-canceled claim 3.

In view of the above amendment to claim 1, claim 5 is amended to delete the “a set of core files and” language therefrom.

Claim 6 is amended to depend from claim 1, rather than from claim 5.

Claim 7 is rewritten in independent form, including the limitations of claims 1 and 5 from which it originally depended. This amendment is not intended to narrow the scope of the originally presented claim 7 in any manner, but is instead merely cosmetic in that it presents claim 7 in independent form, having precisely the same limitations as it had when originally presented as dependent claim 7. Claim 7 is also amended to recite “of files” after each occurrence of “first subset”, “second subset”, and “third subset” in element “c”). This amendment is not intended to narrow the scope of claim 7 in any manner, but is instead solely cosmetic and is made for consistency and clarity so as to clarify that each recited “subset” is the subset “of files”.

Claim 8 is amended herein to recite “b) provided said request is for a core file, processing said request at said first node irrespective of which of the nodes is the first node that received the request” (added language shown underlined). This language clarifies that any of the plurality of nodes can be the first node that receives a request, and if the request is for a core file then such receiving node processes the request.

Claim 10 is amended herein to depend from claim 9, rather than from claim 8, to provide sufficient antecedent basis for the “said web server cluster”.

Claim 14 is rewritten in independent form, including the limitations of claims 8 and 12 from which it originally depended. This amendment is not intended to narrow the scope of the originally presented claim 14 in any manner, but is instead merely cosmetic in that it presents claim 14 in independent form, having precisely the same limitations as it had when originally presented as dependent claim 14.

Claim 15 is amended to recite “size” after “said first” in element “c)” thereof in order to clarify the “said first” to which this portion of the claim refers. Claim 15 is also amended to recite “of files” after each occurrence of “first subset”, “second subset”, and “third subset” in element “d)”. This amendment is not intended to narrow the scope of claim 7 in any manner, but is instead solely cosmetic and is made for consistency and clarity so as to clarify that each recited “subset” is the subset “of files”.

### **III. Claim Objections**

Claims 7 and 9 are objected to for informalities in the present Office Action. Specifically, item 4 on page 2 of the Office Action alleges that claims 7 and 9 are missing the words “subset of files” after “first”. Claim 7 is amended herein for clarity and consistency to fully recite “subset of files” in each instance that recited first subset, second subset, and third subset. Accordingly, the objection to claim 7 should be withdrawn.

Similarly, as described above, claim 15 is likewise amended for clarity and consistency to fully recite “subset of files” in each instance that recited first subset, second subset, and third subset.

Claim 9 recites “wherein said server is a web server cluster”, and does not recite a “first” after which the words “subset of files” are missing. Thus, the objection to claim 9 should be withdrawn.

### **IV. Rejection Under 35 U.S.C. § 112, second paragraph**

Claim 10 is rejected under 35 U.S.C. § 112, second paragraph as the recited “said web server cluster” lacks antecedent basis. Claim 10 is amended herein to depend from claim 9, rather than from claim 8, thus correcting this deficiency. Accordingly, the rejection of claim 10 should be withdrawn.

### **V. Rejections Under 35 U.S.C. § 102**

Claims 1-6, 8-10, 12, and 13 are rejected under 35 U.S.C. § 102(e) as being anticipated by *Logue*. To anticipate a claim under 35 U.S.C. § 102, a single reference must teach every element of the claim, *see* M.P.E.P. § 2131. As discussed further below,

Applicant respectfully submits that *Logue* fails to teach each and every element of claims 1-6, 8-10, 12, and 13, as amended herein.

Independent Claim 1

Claim 1, as amended herein, recites in part “the server cluster comprising a set of base files, wherein said base files are a set of frequently accessed files fitting into a cluster memory of said server cluster, and wherein the base files are logically partitioned into a set of core files having a core size, a set of partitioned files having a partitioned size, and a set of on disk files, and wherein a total of the partitioned size added to the product of the number of said plurality of nodes multiplied by the core size is no greater than the cluster memory; and wherein each node of said plurality of nodes comprises: at least said set of core files stored locally thereto” (emphasis added). *Logue* fails to teach at least the above elements of independent claim 1.

First, *Logue* does not teach a set of core files and a set of partitioned files wherein a total of the partitioned size added to the product of the number of the plurality of nodes multiplied by the core size is no greater than the cluster memory, as recited by claim 1.

*Logue* simply provides no teaching of determining a set of core files and a set of partitioned files such that the total of the partitioned size added to the product of the number of the plurality of nodes multiplied by the core size is no greater than the cluster memory. As discussed further below, *Logue* is concerned with ensuring that mutually exclusive portions of a Web’s content are allocated to particular proxy servers, and *Logue* provides no teaching of a set of core files and a set of partitioned files fitting the criteria specified in the above-identified element of claim 1.

Further, *Logue* does not teach that each node of said plurality of nodes comprises at least the set of core files stored locally thereto, as recited by claim 1. Rather, *Logue* teaches a system in which “mutually exclusive portions of the Web’s content can be allocated to particular proxy servers”. Col. 2, lines 18-20. *Logue* fails to teach that a set of core files are stored to each of the plurality of nodes.

In view of the above, *Logue* neither identifies a set of core files and a set of partitioned files in the manner recited in claim 1, nor does *Logue* teach storing the set of core

files locally at each of a plurality of nodes. Accordingly, *Logue* fails to teach at least the above-identified elements of claim 1, and therefore claim 1 is not anticipated under 35 U.S.C. § 102 by *Logue*.

#### Independent Claim 8

Claim 8, as amended herein, recites in part “b) provided said request is for a core file, processing said request at said first node irrespective of which of the nodes is the first node that received the request”. In other words, irrespective of which of the plurality of nodes receives the request, if the request is for a core file the receiving node processes such request (rather than forwarding the request to another one of the nodes for processing).

*Logue* fails to teach at least the above-identified element of claim 8. As mentioned above, *Logue* teaches a system in which “mutually exclusive portions of the Web’s content can be allocated to particular proxy servers”. Col. 2, lines 18-20. In such a mutually exclusive system, a node receiving the request for a file only processes the request in the event that such receiving node is the node that is exclusively assigned the requested file. *Logue* does not teach that certain “core” files are stored locally to each of the plurality of nodes such that any node receiving a request for a core file (i.e., irrespective of which node is the receiving node) processes such request.

Accordingly, *Logue* fails to teach at least the above-identified element of claim 8, and therefore claim 8 is not anticipated under 35 U.S.C. § 102 by *Logue*.

#### Dependent Claims

In view of the above, Applicant respectfully submits that independent claims 1 and 8 are not anticipated under 35 U.S.C. § 102 over *Logue*. Further, each of dependent claims 2, 4-6, and 9-13 depend either directly or indirectly from one of independent claims 1 and 8, and thus inherit all limitations of the respective independent claim from which they depend. It is respectfully submitted that dependent claims 2, 4-6, and 9-13 are allowable not only because of their dependency from their respective independent claims for the reasons discussed above, but also in view of their novel claim features (which both narrow the scope of the

particular claims and compel a broader interpretation of the respective base claim from which they depend).

#### **V. Rejections Under 35 U.S.C. § 103**

Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Logue* in view of *Brendel*. Claim 11 depends indirectly from independent claim 8, and as discussed above claim 8 is believed to be of patentable merit. Therefore, claim 11 is believed to be allowable at least based on its dependency from claim 8.

#### **VI. Newly Added Claims**

Claims 21-25 are added herein. Each of new claims 21-25 depend either directly or indirectly from independent claim 1, and thus inherit all limitations of claim 1. It is respectfully submitted that these newly added claims 21-25 are allowable not only because of their dependency from claim 1 for the reasons discussed above, but also in view of their novel claim features (which both narrow the scope of the particular claims and compel a broader interpretation of independent claim 1 from which they depend).

#### **VII. Conclusion**

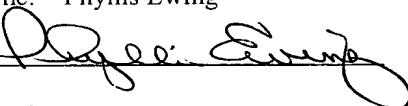
In view of the above amendment, Applicant believes the pending application is in condition for allowance.

The required fee for this response is enclosed. If any additional fee is due, please charge Deposit Account No. 08-2025, under Order No. 10006757-1 from which the undersigned is authorized to draw.

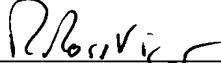
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